

REMARKS/ARGUMENTS

Claims 1-24 are currently pending in the subject application and are presently under consideration. Claims 1, 10 and 22 are independent claims. Claims 23-24 are added by this Amendment.

Allowable Subject Matter

Applicant notes with appreciation the indication on pages 12 of the 4/8/2009 Office Action that claims 11 and 15-17 would be allowable if rewritten into independent form. In view of the remarks below, Applicant respectfully submits that each of the presently pending claims is allowable.

Double Patenting Rejection

Claims 10, 12-14 and 22 are rejected to under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of US 6,724,753. As noted by the Examiner, Applicant inadvertently filed the terminal disclaimer of 3/3/2009 that only disclaimed the patent term based on US 6,266,540. In view of the presently filed terminal disclaimer that disclaims the patent term based on US 6,724,753, Applicant respectfully requests that the Examiner withdraw the double patenting rejections.

Applicant wishes to point out that (i) Applicant has not amended any of claims 10, 12-14 and/or 22 in this Amendment, and that (ii) the Examiner has only rejected claims 10, 12-14 and 22 based on double-patenting, and not based on any art-grounds of rejection. Accordingly, if the Examiner rejects one or more of claims 10, 12-14 and/or 22 in a subsequent Office Action (other than sustaining the current double-patenting rejection), the Examiner cannot make such an Action final (e.g., MPEP § 706.07(a), "second or any subsequent actions on the merits shall be

final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)", Emphasis added).

35 U.S.C. 103(a) Lynch in view of Pisello

Claims 1-5 and 19-20 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,938,748 ("Lynch") in view of U.S. Patent No. 5,491,812 ("Pisello"). Applicant respectfully traverses this art grounds of rejection.

1. Lynch clearly discloses a single deskset; not multiple desksets.

The Examiner appears to read the claimed "plurality of desksets" as recited in independent claim 1 upon the deskset 113 in Lynch. In the entirety of Lynch, only two references to deskset 113 are made. Firstly, the deskset 113 is illustrated as a single, wired telephone in FIG. 7 of Lynch. Secondly, Lynch states that "[t]he telecommunications device additionally includes an ISDN physical interface (311) connected to the external ISDN network, to a deskset (113), and-to a main bus (315) of the telecommunications device" (e.g., see Col. 9, line 66 to Col. 10, line 2 of Lynch). No further mention of the deskset 113 (or any other deskset) is made in Lynch.

Clearly, the deskset 113 corresponds to a single deskset, and not multiple desksets. A "plurality of desksets" as claimed surely cannot read upon a single deskset. Further, Pisello is cited merely to compensate for Lynch's failure to disclose "each packet including source, destination and error checking information" as recited in claim 1; not to cure Lynch's failure to disclose more than one deskset.

For this reason, Applicant respectfully submits that the combination of Lynch and Pisello cannot disclose or suggest “a plurality of desksets” as recited in independent claim 1.

2. The deskset 113 of Lynch does not appear to communicate with the serial port 302; rather, the serial port 302 is simply used by the host computer 100 to exchange information on an ISDN line.

The Examiner reads the claimed “transceiver” upon the serial port 302 in Lynch, and reads the claimed “plurality of desksets” upon the deskset 113 in Lynch (e.g., see Page 6 of the 4/8/2009 Office Action). Independent claim 1 recites “an interface bus that permits said desksets to communicate with said transceiver by exchanging packets with the transceiver”. Applicant does not necessarily believe this limitation is taught within Lynch as applied by the Examiner, as will now be explained.

In Lynch, a telecommunications device (e.g., which includes elements 301 through 317 in the central ‘box’ of FIG. 7 of Lynch) can communicate with a telephone company over an ISDN line, and this telecommunications device permits either the host computer 100 (e.g., a workstation computer) or a deskset 113 to access the ISDN line. The host computer 100 connects to the ISDN line through the serial port 302 as shown in FIG. 7, and through the serial port 302 the host computer 100 connects to the ISDN physical interface 311 and then to the ISDN line. The deskset 113, however, connects directly to the ISDN physical interface 311 and then to the ISDN line, and its data has no need to be routed through the serial port 302. The only reason the deskset 113 would have to contact the serial port 302 would be to exchange information to/from the host computer 100, and nothing in Lynch suggests that the deskset would ever exchange information with the host computer 100. Rather, both the host computer 100 and deskset 113 are configured to access the ISDN line; not communicate with each other

(e.g., why would the deskset 113, shown as a wired telephone in FIG. 7 of Lynch, call the subscriber's own workstation computer?)

Further, Pisello is cited merely to compensate for Lynch's failure to disclose "each packet including source, destination and error checking information" as recited in claim 1; not to cure Lynch's failure to disclose an interface through which the deskset 113 and serial port 302 can communicate.

For this reason, Applicant respectfully submits that the combination of Lynch and Pisello cannot disclose or suggest "an interface bus that permits said desksets to communicate with said transceiver by exchanging packets with the transceiver" as recited in independent claim 1, because nothing in Lynch suggests that the deskset 113 ever communicates with the serial port 302 and/or the host computer 100.

3. There is no apparent rationale for combining Pisello's Ethernet-routing protocols for routing over a serial connection.

Pisello is directed to a mechanism for converting data packets from an Ethernet format into a SCSI format, and vice versa. On Page 7 of the 4/8/2009 Office Action, the Examiner primarily cites to FIGS. 3-4 of Pisello to compensate for Lynch's admitted failure to disclose "each packet including source, destination and error checking information" as recited in independent claim 1.

With respect to FIGS. 3 and 4 of Pisello, Pisello states "FIGS. 3, 4 and 5 illustrate the coding of information received and transmitted over the Ethernet network" (e.g., see Col. 3, lines 45-46 of Pisello). Clearly, FIGS. 3 and 4 show the format for a data packet that is configured in accordance with the Ethernet format.

By contrast, the serial port 302 of Lynch communicates via a serial-format, and not an Ethernet format. The Examiner has provided no rationale for why the serial format used by the serial port 302 should be modified to incorporate header fields specific to Ethernet packets. For example, source and/or destination fields are important parameters in Ethernet routing, but appear to have little practical use in a point-to-point serial connection as shown in Lynch.

The Examiner indicates that the “motivation for defining fields in the packet to include source, destination and error checking information ... being it provides more efficiency in the design of the system” (e.g., see Pages 8-9 of the 4/8/2009 Office Action). Applicant disagrees for a number of reasons.

Firstly, increasing the size of a packet-header decreases efficiency, because the ratio of header-portion to data payload-portion is increased. Efficiency means that more data is sent with less overhead, whereas the Examiner’s suggested modification to Lynch (i.e., adding header fields) produces the opposite effect.

Secondly, the exchange of serial information is fundamentally different than the exchange of Ethernet information. The routing protocols are very different, and the Examiner should not automatically assume that a feature that works well in an Ethernet setting would work well in a serial setting without citing to documentary evidence that indicates such an incorporation would be beneficial.

Thirdly, the serial port 302 exchanges data to/from only the host computer 100. If packets are sent to the host computer 100, including a destination field is rather pointless since the host computer 100 is the only destination. Conversely, if packets are sent from the host computer 100 to the serial port 302, including a source field is rather pointless since the host computer 100 is the only source. Thus, these fields do not appear to be necessary in Lynch’s configuration. Two devices connected by a single dedicated cable do not need to identify

themselves or the target device on communications over the cable -- their respective identities would simply be assumed.

In view of any or all of the reasons given above, Applicant respectfully submits that independent claim 1 is allowable over the combination of Lynch in view of Pisello. As such, claims 2-5 and 19-20, dependent upon independent claim 1, are likewise allowable over Lynch in view of Pisello at least for the reasons given above with respect to the independent claim.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Allowance also requested for newly added claims 23-24

Claim 23 recites "wherein the transceiver is configured to communicate with the central station over a wireless communications link". In Lynch, the serial port 302 clearly communicates with the host computer 100 over a wired connection. Accordingly, claim 23 should be allowed for at least this reason.

Claim 24 recites "wherein the central station corresponds to a base station within an access network that is configured to provide wireless communications services to each of the plurality of desksets through the transceiver". In Lynch, the host computer 100 clearly corresponds to a workstation computer, and not a base station providing wireless service. Accordingly, claim 24 should be allowed for at least this reason.

35 U.S.C. 103(a) Lynch in view of Pisello in view of Azarya

Claims 6-9, 18 and 21 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,938,748 ("Lynch") in view of U.S. Patent No. 5,491,812

("Pisello") in further view of U.S. Patent No. 5,978,578 ("Azarya"). Applicant respectfully traverses this art grounds of rejection.

The Examiner cites to Azarya to compensate for the failure of Lynch and Pisello to disclose limitations included within dependent claims 6-9, 18 and 21. Azarya is directed to an openbus system for control automation networks. A review of Azarya indicates that Azarya is insufficient to cure the suggestion and disclosure deficiencies of Lynch and Pisello as discussed above with respect to independent claim 1.

As such, claims 6-9, 18 and 21, dependent upon independent claim 1, are likewise allowable over Lynch in view of Pisello at least for the reasons given above with respect to the independent claim.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Reconsideration and issuance of the present application is respectfully requested.

CONCLUSION


In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: August 5, 2009

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